

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

WESLEY AND MELISSA MANNING

PLAINTIFFS

VERSUS

CIVIL ACTION NO.: 1:19-cv-423-HSO-JCG

ORKIN, LLC D/B/A ORKIN, INC.

DEFENDANT

**COMPLAINT TO CONFIRM ARBITRATION AWARD
AND GRANT PLAINTIFFS' FINAL JUDGMENT**

Come the Plaintiffs, Wesley and Melissa Manning, and file this their Complaint to enroll a certain Arbitration Award as a Final Judgment against the Defendant Orkin, LLC d/b/a Orkin, Inc., and in support hereof would show unto the Court the following:

1.

Plaintiffs, Wesley and Melissa Manning, and each of them are adult resident citizens of the state of Mississippi, residing in Harrison County, Mississippi.

2.

The Defendant, Orkin, LLC d/b/a Orkin, Inc. (hereinafter "Orkin"), is a Delaware Limited Liability Corporation, with its principal place of business in Atlanta, Georgia. Orkin's sole member is Rollins, Inc., a Delaware Corporation with its principle place of business in Atlanta, Georgia.

3.

This Court has full and complete jurisdiction over the parties and subject matter of this cause based on complete diversity of citizenship between the Plaintiffs and the Defendant, pursuant to 28 U.S.C. § 1331, and this being an action under a federal statute to enroll an arbitration award pursuant to the provisions of 9 U.S.C. § 9, this being an action to confirm the Award of Arbitrator and grant to Plaintiffs Judgment against the Defendant thereon. The amount in controversy is well in excess of \$100,000.00.

4.

Plaintiffs and Defendant entered into binding arbitration of claims before Eugenia Benedict, an arbitrator, with the American Arbitration Association. After hearing the evidence presented by both Plaintiffs and Defendant, the Arbitrator did on July 29, 2019, render an Award of Arbitrator, a copy of which is attached hereto and made a part hereof as **Exhibit 1** the same as if copied at length herein.

5.

That the Award of Arbitrator, Eugenia Benedict, signed on July 29, 2019, granted the Claimants (Plaintiffs here) Wesley and Melissa Manning, damages in the total sum of \$2,610,418.05 against the Respondent (Defendant here) Orkin.

6.

Pursuant to 9 U.S.C. § 9, Plaintiffs are entitled to have this Court receive and accept the Award of Arbitrator, confirm same, and grant to them judgment against the Defendant as follows:

- a. Judgment against Orkin in the total sum of \$2,610,418.05 plus post-judgment interest at a rate reasonably set by the Court from August 28, 2019 until fully paid; and
- b. Judgment against Orkin for all costs incurred for the confirmation and entry of Final Judgment.

WHEREFORE, Plaintiffs move the Court to receive the Arbitration Award, pursuant to 9 U.S.C. § 9, and grant unto them Judgment against the Defendant in the sums set forth in the Arbitration Award and as set forth above, with interest at a rate reasonably set by the Court thereon until fully paid, and all costs incurred for the confirmation and entry of Final Judgment here.

Respectfully submitted this the 31st day of July, 2019.

**WESLEY AND MELISSA MANNING,
Plaintiffs**



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To be Admitted Pro Hac Vice